IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 6TH NOVEMBER 2007 / 15TH KARTHIKA 1929

Bail Appl..No. 6747 of 2007(A)

CRIME NO. 513/07 OF NEYYATINKARA POLICE STATION
AGAINST THE ORDER IN CMP 7572 2007 IN
CMP.7571/2007 of J.M.F.C.-I,NEYYATINKARA

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PETITIONERS/ACCUSED 1 TO 4

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1. ASOKAN,S/O.THAMPI, COLONY VEEDU
KADAVANCOPDE, PERUMPAZHUTHOOR VILLAGE.

2. SUGATHAN,S/O.LEVY NADAR,
KIZHAKKUMKARA PUTHEN VEEDU,
NEAR DURGA DEVI TEMPLE, PERUMPAZHUTHOOR VILLAGE.

3. RAJENDRAN,S/O.THAMPI, COLONY VEEDU,
KADAVANCODE,PERUMPAZHUTHOOR VILLAGE.

4. BABU,S/O.KOLAPPAN,
KIZHAKKUMKARA PUTHEN VEEDU,
AYANIARATHALA,PERUMPAZHUTHOOR VILLAGE.

BY ADV. SRI.R.T.PRADEEP

RESPONDENTS: COMPLAINANT

STATE OF KERALA,REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 6747 of 2007

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Dated this the 6th day of November, 2007

O R D E R

Application for regular bail. The petitioners are accused 1 to 4. They face allegations under the Kerala Abkari Act as also Sections 308 and 332 I.P.C.

2. The crux of the allegations against the petitioners is that on 24.9.07 accused 1 and 2 were found to keep in their possession 8.8 litres of arrack. They were arrested. The contraband articles were seized. At that point of time accused 3 to 6 allegedly came to the scene and made an attempt to rescue accused 1 and 2. All of them allegedly attacked the police party. One of the members of the police party, a police constable, was allegedly attacked with dangerous weapons and he suffered injury. Allegations are now raised in the F.I.R. registered under the provisions of the Kerala Abkari Act as well as Sections 308 and 332 I.P.C. Investigation is in progress. Final report has not been filed yet. Accused 5 and 6 have not been arrested. Second

accused was arrested on 30.9.2007. Accused 1, 3 and 4 were surrendered on 10.10.2007.

3. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. As a matter of fact, no incident as alleged had at all taken place. The injured police constable was frequenting one of the houses in the colony and was having illicit relationship with a woman there. The local people raised objections. Enraged by such conduct of the first accused and others, the said police constable has made absolutely false allegations and had attempted to implicate accused 1 and 2. No contraband article was seized. The local people then demanded that without the contraband article, accused 1 and 2 should not be arrested. This led to an altercation and in the course of such altercation the insignificant injury must have been suffered by the police constable. In any view of the matter, the petitioners, who remained in custody from 30.9.07 (A2) and 10.10.2007 (A1, 3 and 4), may now be enlarged on bail, prays the learned counsel.

4. The learned Prosecutor opposes the application. He submits that, at any rate, the investigators may be granted some further time to complete the investigation.

5. Having considered all the relevant inputs, I am satisfied that the petitioners can now be directed to be enlarged on bail, subject of course to appropriate conditions which shall facilitate a proper, efficient and expeditious investigation.

6. In the result:

1) This application is allowed.

2) The petitioner shall be released on bail on the following terms and conditions.

(a) The petitioner shall not be released from custody on the strength of this order prior to 12.11.2007. The Investigators shall in the meantime make every endeavour to complete the investigation.

(b) He shall execute a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(c) He shall make himself available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months and thereafter as and when directed by the Investigating Officer in writing to do so.

(R. BASANT)
Judge

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